

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SHARON SOLOMON,

Plaintiff,

-against-

ORDER
CV 08-4822 (SJF)(ARL)

SOUTHAMPTON UNION FREE SCHOOL
DISTRICT,

Defendant.

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LINDSAY, Magistrate Judge:

Before the court are the defendant's letter applications dated March 5, 2010 and March 8, 2010, and the plaintiff's responses to those applications. The defendant first seeks a protective order with respect to three non-party subpoenas served on former employees of the school district. Second, the defendant seeks to quash a subpoena duces tecum served on Patricia Lissenden, a current employee of the school district and a member of the teacher's association. For the reasons set forth below, the motion for a protective order is denied and the motion to quash is granted.

By way of background, the plaintiff commenced this action in December 2008, alleging that the defendant, Southampton Union Free School District, had engaged in race, gender and disability discrimination. The plaintiff, an African American special education teacher who suffers from TMJ, alleges that through the acts of Principle Timothy Frazier, the defendant engaged in discriminatory and retaliatory conduct when, among other things, it denied her an opportunity to work with the Homework Club and issued a memorandum claiming that the plaintiff had not prepared appropriate lesson plans on the eve of her Division of Human Rights conference.

The plaintiff has noticed the depositions of Cedric Thomas, Susan Blitz, and Elizabeth Hague. Mr. Thomas is an African American custodian who worked at the school and allegedly had problems with the principal. Ms. Blitz is a Caucasian women who also allegedly had problems with the principal because she was a women and friendly with black employees. Finally, Ms. Hague is a former teacher who allegedly took early retirement rather than working with the principal. The defendant contends that any testimony from these witnesses regarding their own experiences would be cumulative and irrelevant. The court disagrees. The testimony of the plaintiff's former co-workers could show the defendant's motive and intent to discriminate against women and/or African Americans, and thus, may be relevant to the plaintiff's claims. The question of whether any of the evidence will be admissible at trial will be addressed by the trial judge.

The defendant also seeks to quash a subpoena served on one of its employees contending

that the subpoena is overly broad. The court agrees that the information sought in the subpoena goes beyond the claims asserted by the plaintiff. Accordingly, the plaintiff may only seek documents concerning complaints of race, gender or disability discrimination from 2005 to 2008.

Finally, given the delay caused by this motion practice, the court will extend the discovery deadline to May 19, 2010. Any party planning on making a dispositive motion shall take the first step in the motion process by June 2, 2010. The final conference is adjourned to June 30, 2010 at 11:00 a.m. The parties are directed to electronically file the proposed joint pretrial order prior to the conference.

Dated: Central Islip, New York
March 23, 2010

SO ORDERED:

_____/s/_____
ARLENE R. LINDSAY
United States Magistrate Judge